

AMENDMENTS TO THE CLAIMS

Pursuant to 37 C.F.R. § 1.121 the following listing of claims will replace all prior versions and listings of claims in the application.

1. (Cancelled)

2. (Currently Amended) A packet transmission apparatus comprising:

 a plurality of queues each having a different priority;

 a packet transmitting unit operable to extract a packet from any one of said plurality of queues, thereby transmitting the extracted packet;

 a packet receiving unit operable to receive a packet that has arrived;

 a transferring unit operable to transfer the packet received at said packet receiving unit;

 a classifying device operable to transfer the packet transferred from said transferring unit to any one of said plurality of queues in accordance with a priority of the packet transferred from said transferring unit; and

 a controlling unit operable to judge whether said plurality of queues is in a congestion state or in a non-congestion state,

 wherein said transferring unit is further operable to alternatively transfer the packet received by said packet receiving unit directly to any one of said plurality of queues in the non-congestion state and transfer the packet received by said packet receiving unit to said classifying device in the congestion state.

3. (Previously Presented) The packet transmission apparatus as set forth in claim 2, wherein said packet transmitting unit includes a referring unit operable to refer to a priority of each of said plurality of queues and a transmitting unit operable to transmit a packet from a queue having a higher priority.

4. (Previously Presented) The packet transmission apparatus as set forth in claim 2, wherein said transferring unit is further operable to transfer the packet received by said packet receiving unit directly to a queue having the highest priority among said plurality of queues in said non-congestion state.

5. (Previously Presented) The packet transmission apparatus as set forth in claim 2, wherein said controlling unit is operable to judge that said plurality of queues is in the congestion state when a queue length of a queue having the highest priority among said plurality of queues is at least a fixed threshold value.

6. (Previously Presented) The packet transmission apparatus as set forth in claim 2, wherein said controlling unit is further operable to judge that said plurality of queues is in the non-congestion state when the priority of each of said plurality of queues is regularly constant and all of said plurality of queues are empty.

7. (Previously Presented) The packet transmission apparatus as set forth in claim 2, wherein the control unit is further operable to switch a queue having a highest original priority among said plurality of queues to a lowest switched priority when

the length of each of said plurality of queues does not exceed a fixed threshold, and to judge that said plurality of queues is in the non-congestion state when each of said plurality of queues except the queue having the lowest switched priority is empty.

8. (Currently Amended) The packet transmission apparatus as set forth in claim 7, wherein the control unit is further operable to return to the ~~original~~ priority ~~the~~ priority of each of said plurality of queues to the original priority when the control unit transitions from the congestion state to the non-congestion state.

9. (Previously Presented) The packet transmission apparatus as set forth in claim 7, wherein, said transferring unit is further operable to transfer the packet received by said packet receiving unit directly to said queue having said lowest switched priority among said plurality of queues when the a priority of each of said plurality of queues is a switched priority.

10. (Currently Amended) A packet transmission method comprising:
establishing at least first and second queues, each queue having a different priority;
extracting a packet from at least one of the first and second queues, thereby transmitting the extracted packet;
receiving a packet that has arrived;
judging whether at least one of the first and second queues is in a congestion state or in a non-congestion state;

transferring alternatively the received packet directly to any one of the first and second queues in the non-congestion state; and

transferring the received packet to any one of the first and second queues by classifying the received packet in accordance with a priority of the packet in the congestion state.

11. (Cancelled)

12. (Previously Presented) The packet transmitting method as set forth in claim 10, further comprising:

referring to a priority of said at least first and second queues to determine a higher priority queue; and
transmitting packets from said higher priority queue.

13. (Previously Presented) The packet transmitting method as set forth in claim 10, wherein in a non-congestion state, directly transferring a received packet to a queue having a highest priority among said at least first and second of queues.

14. (Previously Presented) The packet transmitting method as set forth in claim 10, wherein said judging judges that said at least one of first queue and said second queue is in the congestion state when a queue length of a queue having a highest priority among said at least first and second queues contains at least a fixed threshold of packets.

15. (Previously Presented) The packet transmitting method as set forth in claim 10, wherein said judging judges the non-congestion state when all of said at least first and second queues are empty.

16. (Previously Presented) The packet transmitting method comprising:

- establishing at least first and second queues;
- extracting a packet from at least one of the first queue and the second queue, thereby transmitting the extracted packet;
- receiving a packet that has arrived;
- judging whether at least one of the first queue and the second queue is in a congestion state or in a non-congestion state; and
- transferring alternatively the received packet directly to any one of the first queue and the second queue in the non-congestion state, and transferring the received packet to any one of the first queue and the second queue by classifying in accordance with a priority of the packet in the congestion state; and
- switching a priority of a queue having a highest priority prior to being switched to a lowest priority when an entire length of all of said at least first and second of queues does not exceed a fixed threshold, wherein when all queues except said queue having said lowest priority are empty in this state, said judging judges that at least one of said first queue and said second queue is in the non-congestion state.

17. (Previously Presented) The packet transmitting method as set forth in claim 16, wherein a priority of each of said at least first and second queues is returned to a state that existed before being switched when said judging judges the existence of a non-congestion state.

18. (Original) The packet transmitting method as set forth in claim 16, wherein in a state where a priority of each of said at least first and second queues has been switched, transferring a received packet directly to said queue having said lowest priority among said plurality of queues.